

**Ashesi University College**

**Consumer protection in Ghana: - Understanding the relationship between consumer awareness and policy responsiveness.**

**By**

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**Thesis submitted to Business Administration, Ashesi University College. In partial fulfillment of the requirements for the award of Bachelor of Science degree in Business Administration**

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I hereby declare that this Thesis is the result of my own original work and that no part of it has been presented for another degree in this university or elsewhere.

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I hereby declare that the preparation and presentation of the Thesis were supervised in accordance with the guidelines on supervision of Capstone projects laid down by Ashesi University College.

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“Through all the changing scenes of life, in trouble and in joy, the praises of my God shall still, my heart and tongue employ” Nahum Tate (1652-1715) and Nicholas Brady (1659-1726)

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# **CONSUMER PROTECTION IN GHANA: - UNDERSTANDING THE RELATIONSHIP BETWEEN CONSUMER AWARENESS AND POLICY RESPONSIVENESS**

## **CHAPTER ONE**

### **1.1 Introduction and Background**

Intensive economic growth in Ghana can be dated from the 1890s. (Reynolds, 1985) The history of Ghana's economic policies dates back to about 1910 when we were under colonial rule. The economy then, which was not independent, was run by extractions' policies that supported the export of the bulk of our raw materials. After Ghana attained independence in 1957, Nkrumah sought to create a self-sufficient country through policies that would move Ghana from being just an exporter of raw material to one that could convert the raw material to goods that could be traded. He wanted to alter the structure of the economy to create an industrialized country with first a five year development plan and then his seven year plan. Ghana after the overthrow of Nkrumah between 1966 and 1992 has struggled to find the right combination of economic policies and social intervention to create sustained economic growth. (Apter, 2008)

Increased globalization has caused a surge in trade and an evolution in commerce this combined with the growing needs of the people continuously challenges governments with making sure that necessities are provided for its people in all aspects of their livelihood from utilities, nutrition, education, healthcare, shelter, communication, transportation and more. To achieve this objective various economic policies are put in place to encourage private participation in industries to give the government a helping hand in achieving its objectives.

Policy is the main instrument that has been used by government to structure the economy and to create markets that are investor friendly. (Arthur, 2006)

Most of these policies are market oriented ones, introduced to improve the competitiveness of our economy in the face of growing markets both local and international. Policy has been amended to respond to globalization, technological advancement and the increases of availability of goods and services. These market policies have led to an increase in availability of goods and services to consumers giving them varied choices in most industries. With so many market players offering the same product or service to consumers, competition has grown fierce in some industries and companies use tools like advertising, price, promotions and the like to sway consumers and maintain a competitive edge. It has become increasingly difficult however to ensure that in transacting their businesses for profit the welfare of the consumer is also considered a priority.

A consumer as defined by the Oxford dictionary is a person who purchases goods for personal use. (Oxford University Press, 2012). Any Individual who purchases a product or services, for personal use and not manufacturing or resale purposes is regarded as a consumer. A consumer is someone can make a decision of whether or not to purchase an item or engage a service, and someone who can be influenced by marketing and advertisements. Any time someone purchases a shirt, car, or goes to a bank, enrolls in a school, or purchases a plane ticket, they are making that decision as a consumer. (Web Finance Inc., 2012)

The existence of many businesses is to having identified a specific need of a group of people; meet it in the most compelling way such that a specified target market will be willing to exchange value equal to their perception of the value that has been created for them.

The economist Adam Smith in his book “An Inquiry into the Nature and Causes of Wealth of Nations,” thought that consumption is the sole end and purpose of all production; and the interest of the producer ought to be attended to, only so far as it may be necessary for promoting that of the consumer. (Smith, 1909)

## **1.2 Problem statement**

Consumers in African and in inference the Ghanaian consumer are characterized by the following (Dowouna-Hammond, Atuguba, & Nabila, 2006):

- a. Lack of purchasing power.
- b. Lack of bargaining power.
- c. Lack of knowledge and understanding of market dynamics.
- d. Inadequate mobility and ability to make an informed choice.

Records exist of various instances of consumer rights violations. In an article titled “Ghana consumers need protection- Hackman Owusu-Agyeman”, the then Member of Parliament for New Juaben North Hackman Owusu-Agyeman made a call for the need for protection of the Ghanaian consumer against the exploitation by the enterprises and other institutions. He cited unwholesomeness of food displayed on the sun sold to unsuspecting consumers and the exploitation of banking consumers through high lending rates as some of the ongoing violations



of the rights of consumers. He made a call to civil society to rise up and make their voice heard. (Joy News Television, 2012)

Another article reporting on the celebration of world consumer rights day stated that even though the Ghanaian government recognizes the rights of consumers, Ghanaians are unable to enjoy these rights and this has made them more vulnerable to manufacturers and service providers. The article reported the sale of expired Chinese condoms on the market and fake drugs. The report further stated that cheated consumers did not know how to seek redress and that the protection agencies such as the PURC put in place did not function effectively because of issues such as poor funding. (Banguu-Ekellah, 2010)

The Chief Executive Director of the Consumer Rights Protection Agency (CPA) Kofi Kapito, a civil society pressure group addressing a press conference in Accra in March 2011, made a call on the Ministry of Trade and industry to fast-track the Consumer Protection Bill into law. He lamented about the various forms of disrespect that patients endure in clinics and hospitals all over the country, how citizens stand on their feet just to get visa forms because some consulates cannot accord the dignity of a reception area for citizens of this country. He talked about how telecom companies now use their licenses to conduct lotteries and promotions that are deceptive to consumers and fail to focus on their deteriorating core services that they are supposed to provide. He said finally that the existing protection agencies such as the National Communications Authority, the Public Utilities Regulatory Commission and the Food and Drugs Board have failed in their mandate to protect consumers in Ghana. (Daily Graphic, 2011)

It is also one such frustration of the constant poor telecommunications services in Ghana that led one prominent legal practitioner, and also Executive Secretary of the Constitutional review Committee, Dr Raymond Atuguba to file a lawsuit against Scancom Ghana Limited, owners of the telecommunication giant MTN over disruption of his telephony services. He took this action after MTN ignored his many complaints over over-billing and an ultimatum to re-activate his phone line (My Joyonline, 2012). In the ongoing case, the court awarded Dr. Atuguba a cost of 1000gh cedi against Scancom Ghana Limited. (Numbo, 2012)

The protection of rights of the Ghanaian consumer is enshrined in the 1992 constitution of Ghana under various Acts of Law. Some of the Acts include:

- a. The Food and Drugs Law 1992, PNDCL 305B. This law has since been amended by the Food and Drugs (Amendment) Act 523, 1996. This is the act that legalizes the inception of the Food and Drugs Board and the law from which they draw their power to act.
- b. Public Utilities Regulatory Commission (Energy Commission Act 1997 (Act 541)
- c. National Communications Authority (National Communications Authority Act of 2008, Act 769)

These examples of Acts of Law led to the creation of industry specific agencies to safeguard the rights and interests of consumers. Some regulatory bodies charged with this task include the following:

- a. The Food and Drugs Board
- b. The Standards Board
- c. Public Utilities Regulatory Commission (PURC)
- d. National Communications Authority (NCA)
- e. Customs Exercise and Prevention Authority (CEPS)
- f. Securities Exchange Commission
- g. Ghana Stock Exchange
- h. Bank of Ghana
- i. National Insurance Commission

However, studies done show that the legal and policy framework for consumer protection in Ghana is inadequate and largely underdeveloped, consisting mainly of legislative provisions scattered in various pieces of legislation and regulations. There is also no national policy on consumer protection to provide guidance for consumers and the business community or a coordinated institutional framework for policing consumer protection in Ghana. (Dowouna-Hammond, Atuguba, & Nabila, 2006)

The gaps identified in the legal and policy framework on consumer protection in Ghana include:

- a. The absence of a comprehensive national policy on consumer protection.
- b. The absence of a coordinated institutional framework for policing consumer protection.

- c. The absence of a uniform, comprehensive legislation regulating or controlling restrictive business practices, which significantly undermine consumer interests in Ghana.

### **1.3 Scope of study**

The focus of this paper will however be on issues on consumer protection specifically related to three main industries, Pharmaceuticals, Utilities and Communications. This is because current issues on consumer protection in the media is related to these three segments and also because they are more likely to share the same consumer base.

### **1.4 Research objectives**

The objective of this study is to:

- a. Investigate how policy has responded to the ongoing issues on consumer protection in Ghana.
- b. To evaluate the level of consumer awareness on three levels
  - i) Issues concerning their rights as consumer.
  - ii) The extent of protection offered by the existing acts of law.
  - iii) Their ways of responding to identified infringements of their rights.
- c. To find out the nature of the gap the current bill on consumer protection will fill when passed.

- d. To re-enforce the need for the prioritization of the passing of the consumer protection bill.

### **1.5 Research questions**

- a. What is the relationship between Ghanaian consumer awareness and policy responsiveness?
- b. What is the level of consumer consciousness among Ghanaians in the urban areas?

### **1.6 Relevance of study**

The relevance of the study is:

- a. To provide an understanding on where Ghana stands today on the issue of consumer protection from both the legal perspective and the consumer perspective.
- b. To provide new insight into this area of public concern.
- c. To provide information on the way forward for a creating a society more aware of its consumer rights.
- d. To contribute to new policy initiatives on consumer protection in Ghana.
- e. To provide data for the development of consumer awareness programs.

## **CHAPTER 2**

### **LITRATURE REVIEW**

This chapter reviews secondary data from journals reports and articles, the first section looks at the history of consumer rights, how it all started and how these rights became globally accepted standards. It then moves on to review journals that discuss whether the protection of consumers should be left to the free enterprise or the government and then what the role of the consumer himself is in the protection of their rights. The fourth section looks at the conceptual framework for this paper which asses the way consumers react when they experience dissatisfaction with a product and finally the last section looks at challenges of consumer protection in less developed countries.

#### **2.1 History of consumer rights**

In his examination of the consumers and the state since Second World War, author Hilton goes back to examine the historical precedence for consumer protection in the America and Europe. His paper talks about how America in 1936, had become the soil for the growth of Consumer Unions that spread to Europe during the post war reconstruction era of the 1950s. The Europeans modeled their consumer unions to a large extent after the American versions. These vanguard groups in Europe caught the attention of politicians. (Hilton, 2006)

Soon part of their political promise was ensuring the protection of citizen consumers in a period where there was a shortage of commodities. (Hilton, 2006) The industrial period

caused a focus shift from fair pricing and access to issues about the responsibility producers took when their products did not work as it should or harm was caused the user during usage. (Hilton, 2006) Knowledge about best practice in countries was shared and consumer laws were developed and modified to suite the peculiar needs of consumers within that context. (Hilton, 2006)

According to Hilton again it was not until the 1950s and 1960s that consumer advocates started making major strides in achieving a universal format for consumer protection. (Hilton, 2006) On the 15<sup>th</sup> of March in 1962, United States President, John F. Kennedy delivered a historic address to the US Congress in which he outlined his vision of consumer rights. This was the first time any politician had formerly set out such principles. (Consumers International, 2012) In his congressional statement he said that “Consumers by definition include us all. They are the largest economic group, affecting and affected by almost every public and private economic decision. Yet they are the only important group... whose views are often not heard.”

This vision was overtime set into eight basic consumer rights recognized internationally. They are:

1. The right to satisfaction of basic essential goods and services like adequate food, clothing, shelter, education, health care, public utilities, water and sanitation.
2. The right to safety is to be protected against products, production processes and services that is hazardous to health or life.
3. The right to be informed is to be given the facts needed to make an informed choice, and to be protected against dishonest or misleading advertising and labeling.
4. The right to choose is to be able to select from a range of products and services, offered at competitive prices with an assurance of satisfactory quality.

5. The right to be heard is to have consumer interests represented in the making and execution of government policy, and in the development of products and services.
6. The right to redress is the right to receive a fair settlement of just claims, including compensation for misrepresentation and shoddy goods or unsatisfactory services.
7. The right to consumer education is the right to acquire knowledge and skills needed to make informed, confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them.
8. The right to a healthy environment is the right to live and work in an environment that is non-threatening to the well-being of present and future generations. (United Nations, 2003)

These guidelines were adopted by the United Nation (UN) in 1985 after 10 years of campaigning by a non-for-profit organization founded in 1960 called Consumers International whose aim was to create a fair, safe and sustainable future for all consumers in a global marketplace increasingly dominated by international corporations. (Consumers International, 2012) The United Nations Guidelines for Consumer Protection (UNGCP) act today acts as an international reference point of consumer protection, for many governments today. The adoption by the UN gave important legitimacy to the principles of consumer rights and practical support and guidance for developing national consumer protection legislation. It was amended in 1999 to reflect the emerging environmental concerns and new developments in technology and business practices during that period. (Consumers International, 2012)

Consumer rights have been reduced to “choice”(Hilton, 2006). Hilton argued that in the developed parts of the world, once information has been given to the consumer about products and services, the responsibility is now his/hers to use that information to protect him or herself.



He worried that this trend would have dire consequences for less developed countries. I do agree with author Hilton, on the effect of this in less developed countries especially when consumer rights have become a matter of cut and paste.

My shared view with Hilton here is that consumer rights being adapted in this form in developing countries, because of low literacy levels and the unequal distribution of information in the markets, would result in consumer rights that exist on paper but offer no effective protection to the consumer. Also in these parts of the world where there is very little understood of markets and how they operate. The author wonders what the point of needing stronger agencies is to protect consumers until they have the ability to do so themselves. Hilton proves that it is imperative that the consumer himself play a key role in his protection especially in the part of the world where institutions have been proven to be ineffective in handling its responsibilities (Acemoglu, Johnson, & Robinson, 2005)?

My paper tries to find out whether Ghanaian consumers are able to notice and respond to any dissatisfaction that occurs during their consumption of goods and services on the market. In agreement with Hilton, policy only responds to gaps in the market and it takes a consumer who is aware to notice such gaps.

## **2.2 Free enterprise vs. Governments**

The above literature gives a historic overview of how consumer protection transitioned from some sole consumer interest to that of one upheld by some governments and then to one

that was recognized worldwide There are three main parties that ideally should work together when it comes to issues related to consumer protection. These parties are the government, business and the consumer. Author Stern, discusses the limitations of government and business in consumer protection efforts and raises questions on whether self-regulation can or should deal with social issues. (Stern, 1971)

The main issues that concerned most activists that led to the very need for protection in the past were ensuring that the economic problem of getting the highest possible quality of goods at the lowest prices was met. (Stern, 1971) Things have changed now. The consumer of today's society has different concerns. New consumerism is now concerned with distortions and inequities in the economic environment and the declining quality of the physical environment. (Stern, 1971)

On the role of government in consumer protection, Stern, holds the view that they are of little help. (Stern, 1971) He argues that they just entrusted with the ideals of the society. They make policy after policy whilst industries try to find the minimum requirement to meet them and find ways to exploit the gray areas of these policies. To solve this, governments just make more polices to block these loopholes until the cost of doing business goes up for industries. He argues that the interpretations of these policies are never even and vary from case to case. Should smaller firms be held accountable for their actions on the same scale as bigger corporations in the face of competition? There are also the limited budgets that allocated to these agencies to do their work. In growing economies where there a multitude of

companies operating within industries, how are they able to ensure that each of them complies with the rules on such limited budgets? (Stern, 1971)

The concept of self-regulation has been one alternative proposed by businesses in some of the studies carried out in the American and British context. (Stern, 1971) (Armstrong, 1981) In the paper written by Armstrong he argues that the need for consumer protection stems solely from the lack of information on products on the market. It states that with firms already under market pressure to produce safer products, and that firms should be allowed to voluntarily monitor themselves before mandatory measures are put in place by state agencies. In a paper co-written by Munier and Wang, a concept known as the Galbraithian concept is talked about that helps to better appreciate the idea of self-regulation. (Munier & Wang, 2005) The key issues in this concept are that of the dependence effect and the consumer sovereignty. The theory basically says that consumers own power over demand in the market by virtue of the fact that firms at every point try to find out what this need is and provide products and services to meet it. Therefore, if consumers no longer favor a particular product or service, then the firm has no choice but to discontinue its availability on the market (Munier & Wang, 2005).

According to authors Munier & Wang, consumers have lost their sovereignty. With the aid of advertising and other forms of promotion, firms can now manipulate consumer demand and prices and have through this rendered the consumer powerless. (Munier & Wang, 2005) My view of self-regulated industries is in conformity with author Stern in light with the argument made in the paper written by Munier & Wang. The argument made for self-regulation failed to answer questions on how firms would ensure that all companies within

their industry conform to the regulation they have made for themselves when they do not have the power to punish them if they do not uphold to the standards. In hindsight the track record of industry on issues such as product standards and promotional practices left the author to conclude that even if self-regulation is an option for industries when it comes to consumer protection, government agencies must still be involved to ensure that they comply and if need be subject them to constant re-approvals to keep them on their toes (Stern, 1971).

The fact remains that even though more and more companies are beginning to care more about the social and environmental footprints that they leave behind in conducting their affairs, the intrinsic nature of the free enterprise is to make profit and as long as they need to meet this need for their very survival there must be a mediating factor that protects the people they serve. Author Stern in his paper, referred to the case of smoking hazards to help one understand how vulnerable consumers can get when some form of standard is not laid down for businesses. (Stern, 1971)

In Ghana, protective agencies such as the Food and Drugs Board, the Public Utilities Regulatory Commission and the National Communications Authority set up by government for the purpose of regulating consumer problems face challenges in undertaking the mandate given them. Being under resourced is at the top of the list for why this happens. (Dowouna-Hammond, Atuguba, & Nabila, 2006) They do not have the funding it takes to run an effective organisation. Should government then begin to explore the option of allowing some level of self-regulation of consumer protection to ease the burden of the agencies?

### **2.3 The role of the consumer**

The consumer has a role to play in his own protection. But not all consumers are the same some variables that account for the differences in consumer classification include literacy levels, bargaining power, lack of understanding of the markets systems just to mention a few (Dowouna-Hammond, Atuguba, & Nabila, 2006). Some authors suggest the very grade of consumers can be geographically defined by differences inherent in developed and developing economies (Hilton, 2006). Unfortunately the dangers they face without any form of consumer protection is equal. Most activists and authors, who argue for need for consumer policies and a greater need to continually protect the citizen-consumer, paint a picture of an extremely vulnerable group of people who cannot survive the market without help. In (Brinkman, 2004) the author seems to think this view is skewed and that in-fact today's consumer is not at all the vulnerable kind they used to be. His paper highlights from a moral perspective things that consumers do to producers that many have chosen to overlook in the discussions of consumer rights.

He argues that consumers also actively benefit from illegal activities such as changing price tags on merchandise in a retail store, reporting a lost item as "stolen" to an insurance company in order to collect the money, giving misleading price information to a clerk for an un-priced item and returning damaged merchandise when the damage is your own fault. They also passively benefit at the expense of others when they get too much change and do not saying anything about it. Some also lie about their child's age in order to get a lower price on products

on special offer to children and the same form of exploitation occurs when they do not say anything when a server at a store miscalculates the bill in their favor (Brinkman, 2004).

He further argues that a position of no harm no foul should be taken because when for example a customer tastes grapes in a supermarket and not buying any the producer does not complain. Consumers fuel piracy all time by using computer software or games that they did not buy and record albums instead of buying it. Producers are patient when a consumer spends over an hour trying on different dresses and not purchasing any and even go the extent of returning merchandise after trying it and not liking it (Brinkman, 2004).

(Brinkman, 2004), does a good job of capturing this part of the argument on the need for consumer rights and makes a strong case for producers. But what he forgets to do in his article is to recognize that tort and civil law and even criminal law, already has remedy for most of these morally questionable behaviors exhibited by some consumers.

Author Hirschman, did an exploratory investigation of the relationship between consumers' intelligence, creativity, and ability to activate consumption-relevant information. (Hirschman, 1983) Within the cohort sample used, it was found that these three characteristics were positively related and the implications of this pattern for public policy designed to inform and educate consumers are discussed.

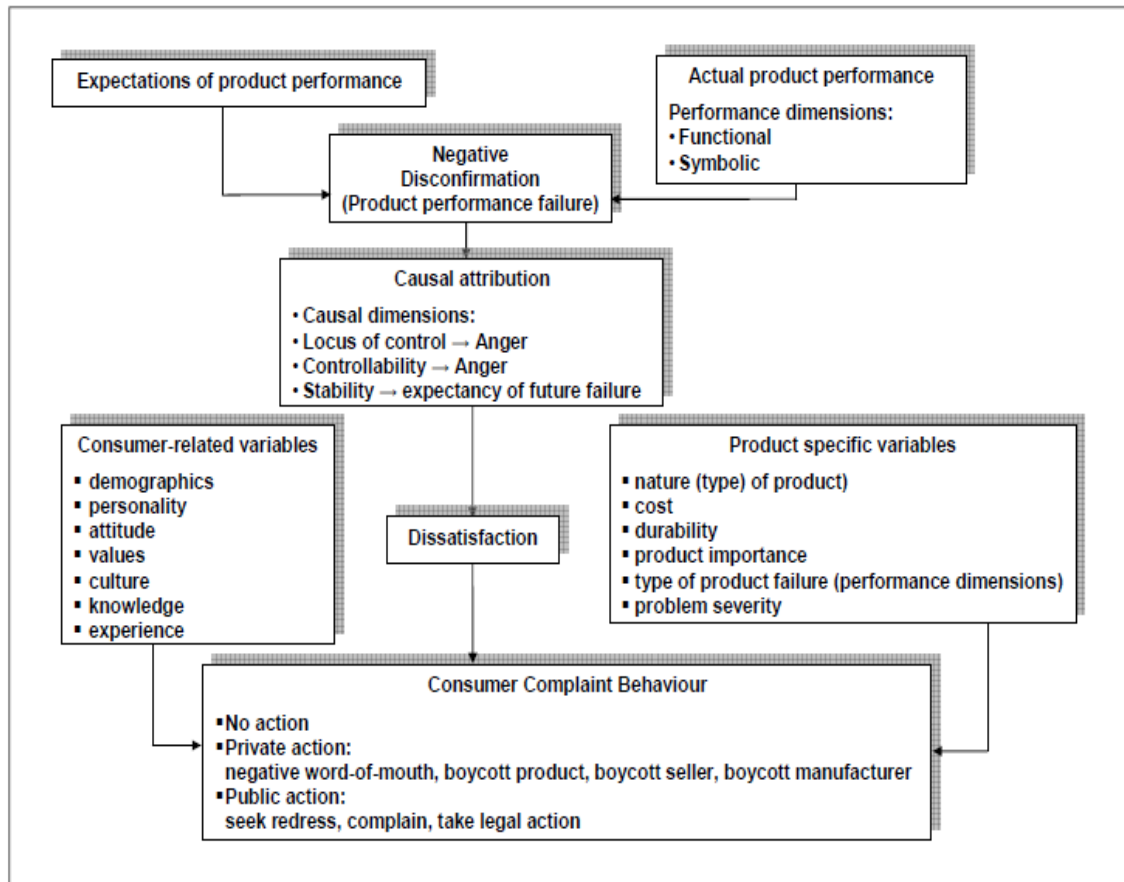
In an article by Mazurek & Hilton, the authors explore the nature of the consumer politics within the context of post-war communist Poland. (Mazurek & Hilton, 2007) The article talks about how in a country where citizens were first made to think about themselves as

producers before citizens then still gathered and organized themselves as workers who were discontent consumers. Consumption enabled a strong establishment of a relationship between economics and politics and as individualistic as people are they found common social space to articulate their grievances about their consumption experiences and turned it into mass socio-political protest. (Mazurek & Hilton, 2007) It was this power of unsatisfied consumers put together that eventually caused a supposed triumph of capitalism over communism. Based on this it very important then to examine how consumers behave when they are dissatisfied.

## **2.4 Conceptual framework**

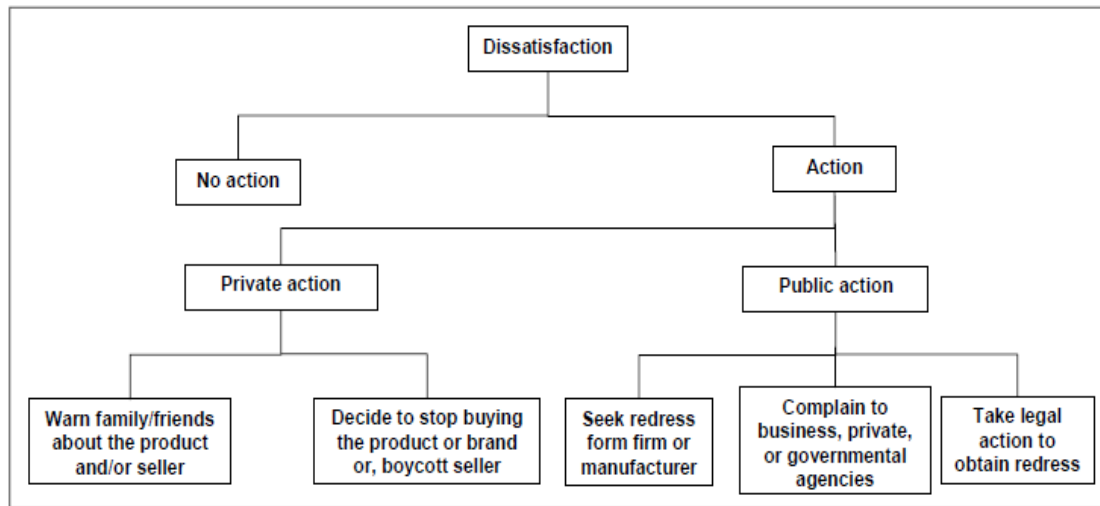
A paper written by Donoghue & de Klerk in response to the numerous complaints that were being received in the consumer column of a 'South African newspaper on the failure of their electrical appliances that they had purchased, a framework of how consumers react to cases of dissatisfaction is developed. (Donoghue & de Klerk, 2006) I chose this as my conceptual framework because I felt that the consumers used in this study were very similar to those in mine. I thought that they may be similarities in how Africans respond to certain problems.

Even though complaints are usually viewed in a very negative sense the author wanted it to be viewed as a way of collecting information for the continual improvement of products and services to maintain consumer loyalty and not just a point in service where the producer makes excuses about why the product or service rendered deviated from the expected outcome (Donoghue & de Klerk, 2006).



**FIGURE 4: DISSATISFIED CONSUMERS' COMPLAINT BEHAVIOUR CONCERNING THE PERFORMANCE FAILURE OF MAJOR ELECTRICAL HOUSEHOLD APPLIANCES WITH CONSIDERATION OF ATTRIBUTIONAL PROCESSING, CONSUMER-RELATED VARIABLES AND PRODUCT-SPECIFIC VARIABLES**





**FIGURE 1: A TAXONOMY OF CONSUMER COMPLAINT BEHAVIOUR** (Dav and Landon, 1977:432)

The findings of the paper were that there were some consumer related variables as well as product related variables that predominantly determined how a consumer responded to dissatisfaction. One of the consumer related variables discovered were the individual's demographics. The study showed that complainers tend to hold professional jobs, earn higher incomes, are well educated, and younger than non-complainers. Some authors, however, dispute this and have proposed that the "elderly, poor and individuals low in education do not necessarily react more passively to perceived dissatisfaction". (Broadbridge & Marshall, 1995)

There is a consensus among authors with regards to age, income, education and profession as possible determinants of consumers' propensity to complain. Other consumer related variables included their personal traits such as their level of confidence. It was noticed that consumer who were more confident about themselves were those who were complainers and that shy and reserved people were less likely to do so (Donoghue & de Klerk, 2006).

On the other hand the product specific variables related to how much the product was worth, type of product failure and the problem severity. The author explained that although

appliances are just to make work easier around the home, most consumers saw these products as a very extension of who they are. These two variables in certain combination are what dictate how a consumer responds to dissatisfaction. The study showed that the consumer had a choice to either take an action or not take an action. When to they chose to take an action, it could be a public action or a private action. A public action could either be warning his family and friends about that particular product or the seller or deciding not to repeat that purchase again. A public action could be either seeking redress from the manufacturer or firm, complain to business, private or governmental agencies or take legal actions to seek redress. (Donoghue & de Klerk, 2006)

In my opinion, although private actions can serve as a form of protection for other consumers, it is a very small group of people who will benefit from the knowledge of that the consumer now has from experience. When more consumers begin to take public actions, it will allow a wider scope of the population to benefit from their knowledge. If need be, the appropriate agencies will respond with a policy that benefits of the wider population. It is important then that every consumer society has channels that facilitate some form of information movement between a vigilant consumer group and protection agencies.

## **2.5 Consumer protection in less developed countries**

It is an undeniable fact that in African countries, the development of consumerism that is the protection of consumer rights is still far behind that of Western countries. In many cases consumers are not aware of their rights and as a result of this, many are not aware that it is

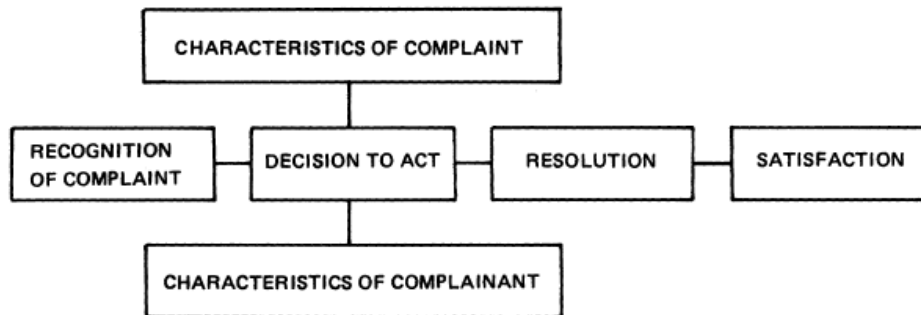
possible to seek compensation for financial or physical damages due to product or service failure. (Donoghue, De Klerk, & Isaac, 2004)

Some consumer issues that less developed countries face right now include the influx of counterfeit and substandard drugs. It is estimated that about 30% to 60% of drugs found in Africa and South East Asia are counterfeit and the main countries of origin are China and India. (Harris, Morris, & Philip Stevens, 2009) The main threats that counterfeit drugs pose are failure to provide effective treatment, direct harm and drug resistance. (Harris, Morris, & Philip Stevens, 2009)

In Nigeria for example, the greatest danger faced by consumers lies in the consumption of fake and adulterated goods. The consequence of consumption of fake and substandard goods is sometimes dangerous to human life. Despite this fact, violation of consumer rights which is the hallmark of consumer protection is still being considered in Nigeria as breaches of either contractual or tortuous right. (Eze, 2012)

So when a government has the right make-shift agencies in place like in the case Ghana, how then should government respond to consumer complaints about sellers? In a study done in 1983, the author describes a third-party mediation service instituted by British Columbia. He presents a model of the consumer complaint process and of the behavior of citizens in that sequence, he analyses citizens' satisfaction with the mediation service. His results are generally favorable to mediation, but are found to be very sensitive to whether citizens expected too much from complaints and their mediation (Zussman, 1983).

In order to determine the elements contributing to the successful resolution of a dispute, the individual complaint process is divided into several stages. The recognition stage, at which the consumer decides if there are grounds for complaint, the registration stage, at which the consumer decides to act, the resolution stage, at which the consumer determines whether his complaint has been resolved; and the satisfaction stage, at which the consumer concludes that he is satisfied or not with the resolution. (Zussman, 1983)



**Figure 1**  
The consumer complaint process

But author Cohen, seeks to ask a very important question. That when preventive measures are inadequate, should consumer protection remedies focus on securing consumer redress or on inflict severe loss to the wrong doer as a deterrent to future misconduct? (Cohen, 1975)

## **METHODOLOGY**

### **3.1 Research design**

This chapter outlines the research methods that would be used to achieve the objectives stated in section 1.3 of this paper. The nature of the study requires both quantitative and qualitative methods of research because in the qualitative sense the paper is trying to understand if the Ghanaian consumers behavior at this period can be considered as that of a consumer who is aware of his position as a consumer and the rights accorded him or otherwise. We also need to study the study the current policies of the Food and Drugs Board (FDB), the National Communications Authority (NCA) and the Public Utilities Regulatory Commission (PURC) and see how that responds to or otherwise the current issues faced by consumers in using these services and buying goods in markets regulated by them. Quantitatively, we will need to analyze trends if any in the behavior of the Ghanaian consumer and help us understand how they navigate their way on the market.

The data needed to achieve the objectives will be both primary and secondary data. Primary data will be obtained from questionnaires to consumers as well a desk study of policies of the FDB, PURC and the NCA.

### **3.2 Variables Defined**

The research topic for this paper is Consumer Protection in Ghana: - A measure of policy responsiveness and consumer awareness. There are two main variables in this study that are to be measured. The first variable is policy. This refers to current public policy on consumer protection. The task here is to investigate if any changes have been made to policy to address the gaps identified in the problem statement (1.2). The second variable is consumer awareness. This refers to how knowledge on rights, responsibilities, and the response to a deviation in the expected use of a service or product and their interaction with the protection agencies specified for the purposes of this study.

### **3.3 Research population**

The population under study for this research is 4,010,054 of Ghana's current population of 24,658,823 in the Greater Accra Region. Data from the 2010 census reveals that 16.8% of households in this region either own a laptop or a desktop computer. Mobile phone ownership in this research population is also 73.5% of the population in this region and the Electricity Ghana Company as well as the Ghana Water and Sewage Company are the monopolies in the providing public utility services to this region.

### **3.4 Accessible research population**

The accessible research population for this study is consumers within the areas of Tema, Labadi and Sakumono. This purposive sampling frame is to ensure that there is an equal representation of consumers with varied income levels within the study.

### **3.5 Sampling strategy**

Purposive sampling and Snowball sampling will be the main methods used in selecting respondents. Purposive sampling will be used to select respondents to the questionnaires for consumers. The criterion for inclusion is that you first be a consumer under the three agencies within the scope of this study. The respondent must also be within the ages of 25 to 45 years because this segment belongs to the working class according to the census report for 2010. This type of purposive sampling will lower the probability of implementing instruments where respondents have had no experience related to food, drugs, utilities and communication services.

Respondents will answer question on their response to instances of dissatisfaction with either a product or service based on the conceptual framework by (Donoghue, De Klerk, & Isaac, 2004).

The snowball sampling strategy will be used to answer questions on policy responsiveness. I am choosing to use the snowball sampling strategy because inherent in the names of the agencies is implied very different institutional structures. This particular strategy will allow me to be continually referred to people who have answers for my question until the information I obtain

is now repetitive. Repetitiveness would mean that I have reached a saturation point and that I no longer need any more respondents.

A number of government officials will also be interviewed to provide the government's perspective on the issue of consumer protection policy and to possibly give insight on what the major road blocks are and the way forward. I will be interested in find out what their complaint channels are like, their role in the policy cycle and what effect the consumer protection bill will have on them as institutions once it is passed into law.

Considering my limited knowledge on legal issues and policy, I will made provision for a legal resource person to guide me along the way.

### **3.6 Data collection instruments**

The main instrument to be used in this study is questionnaires. The questionnaire will be in two main parts, the first part will collect data on consumer demographics whilst the second part collects data on consumer behavior. A desk of policies of the FDB, the PURC and the NCA would provide data on response of policy to complaints and complaint procedure.

### **3.7 Data analysis**

The quantitative and qualitative data collected will be analyzed using descriptive content and excel respectively. This will helps us make better understanding of the data collected.



## Chapter 4

### 4. 1 Analysis of research findings

This chapter details the analysis of the data collected from the field through questionnaires and a desk study of policies to answer the objectives outlined in Chapter 1 of this study. The analysis will begin with demographics of the respondents of the questionnaires. From there the findings and analysis will be divided into two main parts; analysis of data related to food and medicine and then that of data related to the outlined services within the scope of the study. The chapter will continue then with the findings from the desk study of policies that exist under the jurisdiction of the consumer agencies related to food, medicine, communications and utility services. The total number of questionnaires received after implementation was 50 out of the 50 intended. Graphs and charts will be used to illustrate some findings.

### 4.2 Gender

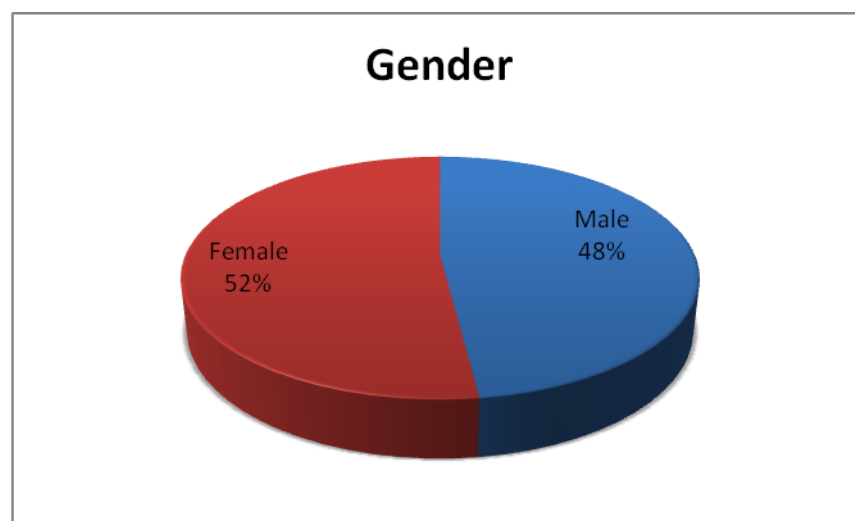
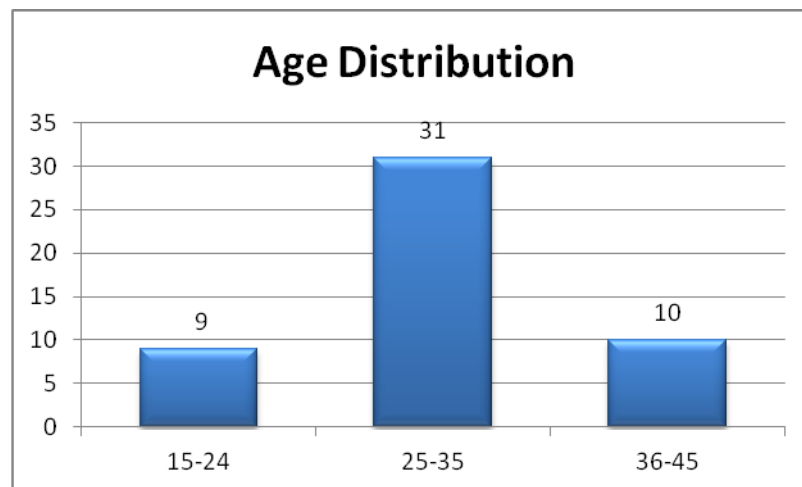


Figure 4.2.1

When approached with the intent of the study, a total of 26 women and 24 men were interested in participating. As indicated in figure 4.2.1 the majority of the respondents for this study were women. It is worth mentioning here that during self-administration, some male respondents felt that issues related to purchases of food and medicine for the household were more of the task of their wives than themselves.

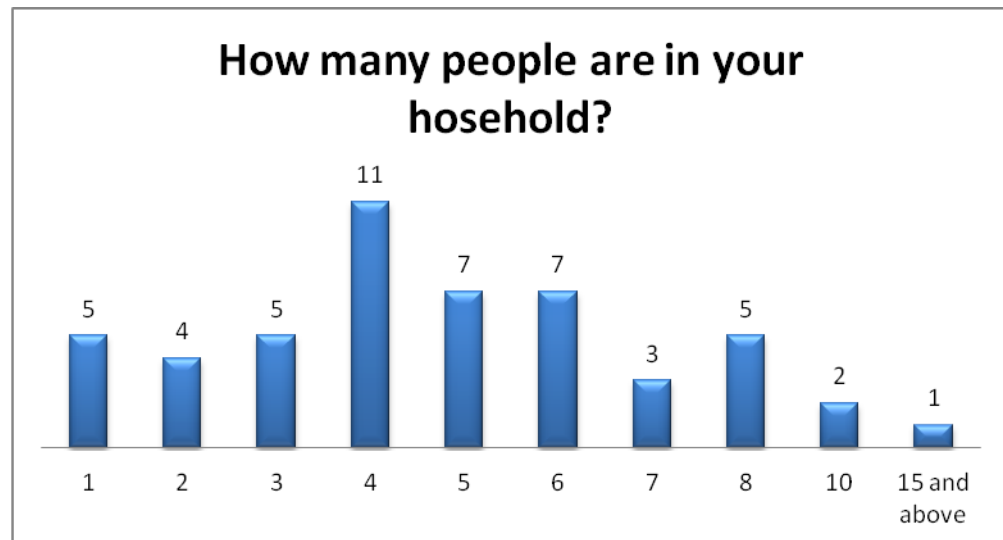
### 4.3 Age Distribution



**Figure 4.3.1**

A majority of the respondents for this study were between the ages of twenty five and thirty five.

#### 4.4 Household sizes



**Figure 4.4.1**

The respondents came from both single member households and multiple member households. With highest frequency being 4 member households, we find that consumers within this study are making decisions and reacting to situations in ways that may be affecting people more than just themselves but also members of their household.

#### 4.5 Do you buy food and medicine?

All 50 respondents answered yes to whether they bought food and medicine and 49 respondents answered yes to whether they bought medicine. The 1 respondent who answered no to the purchase of medicine explained that he leaned more towards maintaining ones health through healthy eating and exercising.

#### 4.6 Do you find any problems with the food and medicine you buy?



Figure 4.6.1



Figure 4.6.2

When asked whether they found any problems with the food and medicine they had ever bought, interestingly, a 56 percent majority of the respondents said no to ever finding problems with their food whilst another overwhelming majority of 88 percent also said no to ever finding problems with medicine they had ever bought.

This finding is in sharp contrast with the news reports and studies that emphasized the existence of unwholesome food and counterfeit drugs on the Ghanaian market with about 50 percent of all drugs sold being of counterfeit origin. (Harris, Morris, & Philip Stevens, 2009)

Going back to theory, this could be associated with the lack of knowledge and understanding that characterized the Ghanaian consumers. The possibility here is that, they may not have the ability to tell the difference between authentic and counterfeit drugs or food they have purchased.

To find answers to the sharp contrast represented by the data, I conducted an interview with Dr. Elsie Cudjoe of the Korle-bu Teaching Hospital, the leading national referral and premier healthcare facility in Ghana to find out if there were any trends in symptoms presented by patients that were related to ingestion of bad food or medicine.

She explained that in her experience with internal medicine they have never come across a case of a patient whose health was a risk from ingesting counterfeit medication. She also explained that it would very difficult to certify that counterfeit medication had caused health complications to a consumer because the hospital does not have the needed laboratory and equipment to conduct such tests. She was of the view that unless the Food and Drugs Board

identified the particular counterfeit or unwholesome product and prevented its entry onto the market.

#### **4.7 Who are the complainers?**

Data analysis shows that of the 14% of the total population who had experienced some problem with food and 4% of the total population who had problems with medicine were actually the only ones who reported the incident. Of this population, people who complained are more likely to be Male between the ages of 36 and 45 years old. They also most likely to be tertiary educated and were not satisfied with the response to their complaint.

Similarly with mobile and utility services, 18% of the total population who had problems and 19% of the total population who had problems with utility services actually went on to make a report and this population is more likely to be Male between the ages of 25 to 35. These consumers are most likely to be tertiary educated and were not satisfied with the response to their complaints.

A study done in Canada on consumer complaint behavior and third party mediation, confirmed from previous studies that those who complain are younger, more affluent, more politically active, have higher education and income in relation to the total population. (Zussman, 1983) This is similar to the profile of the complainers for services but it differs from the profile of complainers of food and medicine.

It is however interesting to note that an individual's attitude towards food and medicine and their complaint behavior when dissatisfaction occurs is totally different in that it has no rational correlation to their behavior when it comes to their response to dissatisfaction with a service.

#### **4.8 Problems with food and medicine.**

The problems that consumers have with food include missing expiration dates, expired products, rotten food, and foreign material in food, improper storage, poor sanitation and improper packaging. For medicine, some problems that consumers face include expired medication, medicine not being kept at the right temperature, and a difference in tastes.

#### **4.9 Problems with mobile and utility services**

Mobile service issues include poor data services, lack of connectivity and transparency with method of charging, call centers not responding, and charging on service lines and jammed networks. For utility services, problems include dirty water flowing through taps, service providers unaware of disconnected services, low current, bribery and expensive pre-paid meters.

#### 4.10 Where do you usually shop?



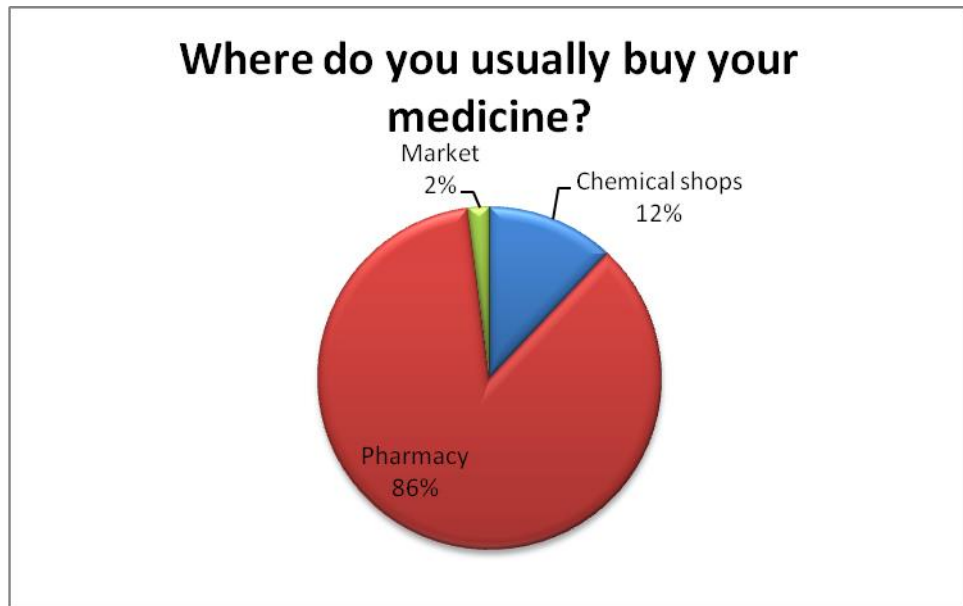
Figure 4.10.1

In response to where they usually do their shopping, data collected shows that majority consumers buy from the markets. Ghanaian markets are usually much unstructured in that particular sellers can at any time change the position of their stall so that it becomes very difficult to locate them. This is important to consider because for policy to be effective structure is needed.

It is necessary for a consumer to be able to trace where they purchased products so that it's easy to seek redress or for consumer agencies to stop the economic activity of traders who continually breach the rights of consumers.



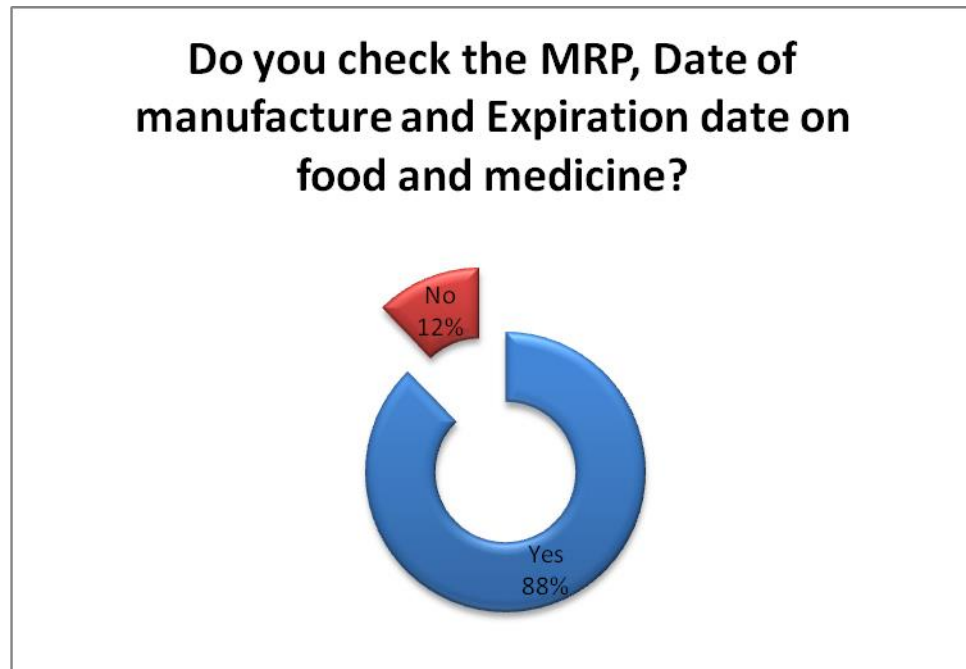
#### 4.11 Where do you usually buy your medicine?



**Figure 4.11.1**

A majority of consumers buy their medication from pharmacies as illustrated above in figure 4.8.1. Some interviewees however commented that they had no ability to read the prescription forms that are handed to them during hospital visits. This suggests that if a prescription is not rightly filled then the consumer would have no way of knowing.

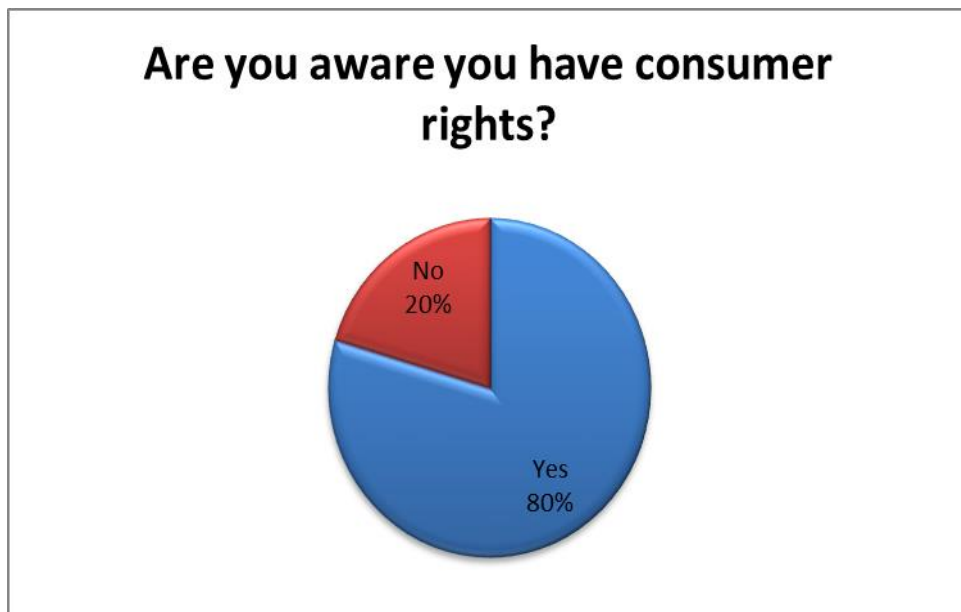
#### 4.12 Do you examine the packaging of the products you buy?



**Figure 4.12.1**

Most consumers displayed traits of consumers with knowledge about how to engage with products and services on the market. This includes the checking of the manufacturers recommended price, the expiration date as well as the date of manufacture for food and medicine. This means that Ghanaian consumers are aware of themselves as consumers.

#### 4.13 Rights awareness



Eighty percent of consumers said they knew their rights but were largely unaware of what these rights were or how to act on them. This proves author Hilton's concern about consumer protection being limited to choice and its effect of less developed countries. (Hilton, 2006)

#### 4.12 Other protective measure after unsatisfactory complaint.

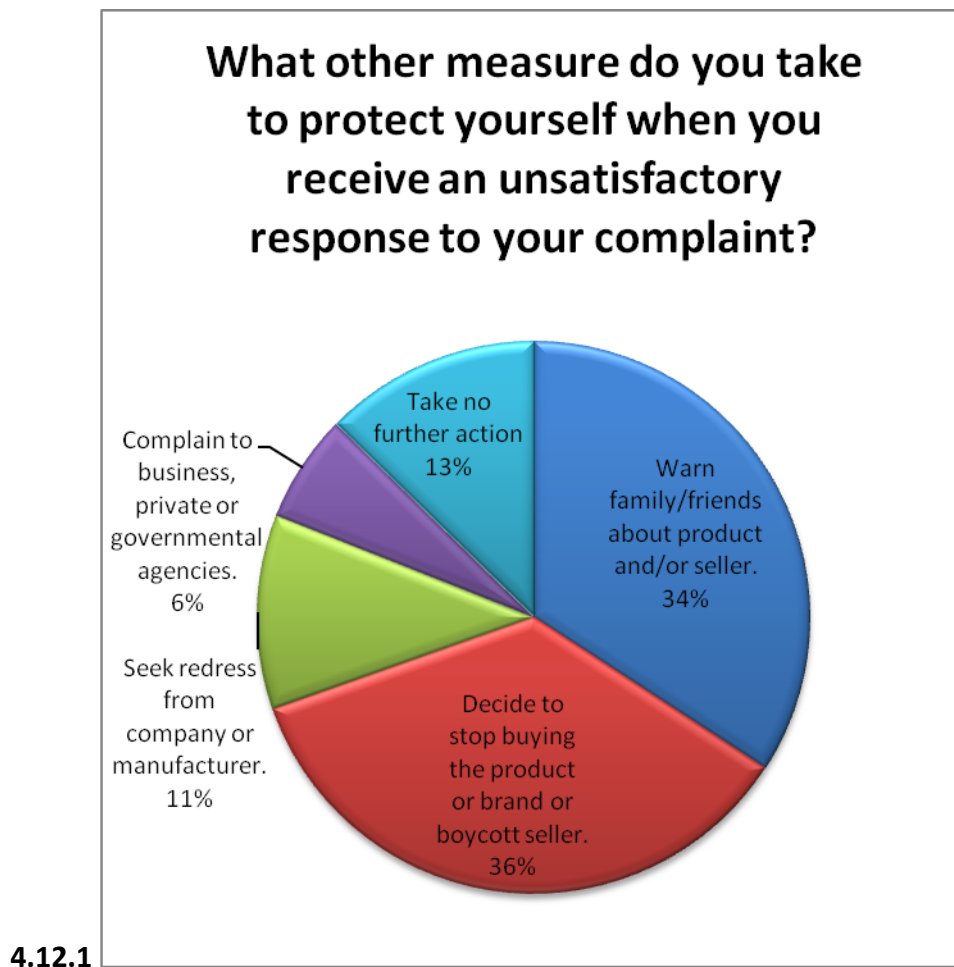


Figure 4.21.1 above shows how consumers seek redress after initial efforts fail or are unsatisfactory. A majority, about 36% of respondents, boycott the brand or seller followed by 34% who warn their family and friends and then 13% would rather take no further action. 11% would opt for seeking redress with the company or manufacturer whilst a tiny 6% would rather complain to a private or governmental agency.

Some consumers added that they would not even know how to reach such agencies and if they did they doubted if any good would become of their complaint. This speaks to the mistrust of institution as discussed by authors Acemoglu and Johnson. (Acemoglu, Johnson, & Robinson, 2005)

#### **4.13 Findings on the desk study of policies on the ongoing issues of consumers**

The policy that regulates the FDB is the P.N.D.C.L 3058 Food and Drugs act, 1992. Under these sections 1.1, 1.4 and 1.5 the policy talks about the unwholesomeness of food, the standards prescribed for food and the prohibition against poor quality food. It states that a person commits an offence when they sell or offer for sale food that is adulterated, injurious to health or not of the nature substance or quality prescribed by standards. There is however no clear route for complaints to be channeled through.

The Public Utilities (Complaint Procedure) Regulations, 2000 L.I 1665 and the National Communications Policy, 2004 all make provision for complaint handling. The consumer would first have to seek redress from the business and if he or she is not happy with the results, they are to write a letter to the agency to state the nature of the complaint.

From the data collected, all the problems that consumers had mentioned they faced which included missing expiration dates, poor services, unclear billing procedures and others all have policy under the FDB, PURC and NCA through which redress can be sought. However some gaps in the policy include the likelihood that these laws are easier to enforce in structured market places rather than the unstructured and unfortunately for food, most consumers seem to buy from the market place which is unstructured.

Also the complaint route for informing agencies about problems which includes writing letters would work better for literates than for illiterates. Another issue that needs to be revised in the policies of all three agencies is how to not make the cost of seeking redress higher than the

cost of injury that the consumer has suffered so that it would make economic sense for the consumer to make a complaint.

The policy of the three agencies also make no provision for the education of consumers on their rights, how to handle injury or mishaps, how to reach the agency and all other information that about the contents of existing policy put in place by government to protect the as they engage with the markets.

And finally there are no consumers represented on the board of the FDB to represent the interests of the consumer on issues concerning their consumption of food and drugs. It is also unclear whether consumers are represented on the boards of the NCA or PURC either.

#### **4. 14** The consumer protection bill

The Ministry of Trade and Industry as part of Ghana's Trade Policy plans outlined for January 2006 to December 2010, added as a ninth component, a section on consumer protection. The purpose of this was to create an environment that affords the protection to consumers and enhances consumer welfare. The project when completed was to deliver as output eight things.

1. Consumer Protection Policy.
2. Framework Law on consumer protection enacted.
3. Consumer protection Authority established.
4. Mechanisms and instruments for delivering speedy redress to be established and operated effectively.
5. Protection of the economic rights of consumers.
6. Clear and sufficient rules on labeling, including food stuffs, and a code of practice on advertising established and enforced.
7. The promotion on a sustainable basis of environmentally friendly consumption.
8. Awareness of rights of consumers and their effective representation on relevant national bodies.

The consumer protection policy and framework law would also lead to the establishment of a small claims court to facilitate consumer redress. It will also mandate the use of education campaigns to be used to educate consumers on their rights. Finally, when effective, it will also take steps to strengthen consumer-oriented NGOs. This is the



nature of the gap that the consumer protection bill will fill when it is passed and becomes effective.

However, all attempts to find a copy of the Consumer Protection Bill proved futile. After enquires from the Assembly Press, the body in charge of printing all laws of the country and enquiries from the Parliament house itself, information from a source at the parliament house who personally spoke to the librarian in charge of all such documents said that the librarian said that she had heard discussions of the bill on radio talk shows and the like but had never seen a copy of any such bill in the repository of the parliament house and had doubts whether any such document existed.

#### **4.15** Conclusion

In conclusion, data shows that Ghanaian consumers display behaviors that show that they are aware of how the market works, such as the checking of expiration date, manufacturers recommended prices and are aware that they have consumer rights.

However when they experience dissatisfaction in the consumption of food, medicine and utility and communication services that are largely unresolved by the business operating in the market they do not to engage the services of the Food and Drugs Board, the Public Utilities Regulatory Commission or the National Communications Authority to help them seek redress.

They take private actions such as not buying from that seller anymore or boycotting that product or taking no further action rather than going to a public agency. The consumer doubts their efficiency and ability to assist them or simply do not even know how to reach them.

This may be the reason why policy has been largely unresponsive to consumer issues reflected in the non-existence of a consumer protection policy in Ghana.

## Chapter 5

### **Recommendations**

#### **5.1 Health Services as a stakeholder**

The Ghana health services should be required to get involved as a stakeholder especially on issues concerning consumer education about food and medicine because of their direct health implications. My interview with health professionals made clear that they are of the view that that responsibility lies solely with the Food and Drugs Board.

Consumers may also be more responsive to getting educated at the point of service for their health. Short tutorial videos that educate patients on how to examine food properly before buying and also how to authenticate prescribed medication could go a long way to impart them with the needed knowledge to navigate the market.

#### **5.2 Passing of the Consumer Protection Bill**

The intended output of the consumer protection bill when passed will mean that Ghana now has a consumer protection policy and framework law. The law will lead to the establishment of a consumer protection authority including small claims courts to facilitate consumer redress. It will also mandate efficient labeling and a code of practice on advertising to improve the accuracy of information provided to the consumer.

However in light of the fact that the bill cannot be found to exist I would recommend that government makes the drafting of this bill a priority as they make policy after policy to expand Ghana's markets.

### **5.3 Consumer Groups**

As suggested by author Hilton in his paper about the rise of consumerism after the Second World War, it is necessary for consumers, after they have realized that they have common concerns to come together as one formidable force, organized and with one voice. It is much harder for one concerned consumer to make a lasting difference than it is for a mass of them. (Hilton, 2006)

### **5.4 Future studies**

My recommendations for future studies in the African context is to find out the role of conflict of interest where state institutions provide services and at the same serve as regulators and then also as avenues for seeking redress.

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**QUESTIONNAIRE: UNDERSTANDING THE RELATIONSHIP BETWEEN CONSUMER  
AWARENESS AND POLICY RESPONSIVENESS**

*This questionnaire was designed by Naa Ayikarley Ankrah, a student of Ashesi University College to find out if there is a relationship between consumer awareness and the state of Ghana's consumer protection policy. Interviewees are assured that the data gathered from this questionnaire is purposely meant for academic work. Comments provided will be treated with strict confidentiality. Responses to this questionnaire are voluntary. Respondents are under no obligation to answer these questions.*

**1. Gender.**

Male ☐ Female ☐

**2. Age.**

Below 15 ☐ 15-25 ☐ 25-35 ☐ 35-45 ☐ Above 45 ☐

**3. Marital status.**

Single ☐ Married ☐ Any other ☐

**4. Size of household.**

\_\_\_\_\_

**5. Educational background.**

Primary school ☐ Secondary school ☐ Tertiary ☐ None ☐

6. Monthly Income?

Less than GHC50 ☐ GHC100-GHC500 ☐ GHC600-GHC800 ☐ 1000 and above ☐

7. Where do you usually do your shopping for food stuff and medicine?

Markets ☐ Corner shops ☐ Supermarkets ☐

8. Do you buy food and medicine?

Yes ☐ No ☐

9. Do you buy **branded** food and medicine?

Yes ☐ No ☐

10. Do you find any problem with the food you buy?

Yes ☐ No ☐

11. What kind of problems do you find with the food you buy?

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12. Do you keep buying from the same vendors or wherever the product is available?

Same vendors ☐ Wherever ☐

13. Do you check the Manufacturers Recommended Price, Date of Manufacture and Expiration date of food and medicine?



Yes ☐ No ☐

**14.** Do you check the prices of food and medicine you buy from alternative sources?

Yes ☐ No ☐

**15.** Do you find any problem with the medicine you buy?

Yes ☐ No ☐

**16.** What kind of problems do you find with the medicine you buy?

---

**17.** If YES in question 10 Or 11, what was your reaction? Were you...

Angry ☐ Shocked ☐ Disappointed ☐ Unhappy ☐ Happy ☐ Indifferent ☐

**18.** If YES in question 10 Or 11, did you report to shopkeeper, pharmacist, manufacturer, distributor or any other?

Yes ☐ I reported to \_\_\_\_\_

No ☐ I \_\_\_\_\_

**19.** What was the response to your complaint?

Satisfactory ☐ Not Satisfactory ☐ No response ☐ Other \_\_\_\_\_

**20.** Do you own and use a mobile phone?

Yes ☐ No ☐

**21.** Do you use utility (water, electricity) services?

Yes ☐ No ☐

**22.** Have you experienced any problems with these services (mobile, water, electricity)?

Yes ☐ No ☐

**23.** If **YES** what was the nature of the problem?

---

**24.** If YES in question 19, what was your reaction? Were you...

Angry ☐ Shocked ☐ Disappointed ☐ Unhappy ☐ Happy ☐ Indifferent ☐

**25.** If YES in question 19, did you report to service provider?

Yes ☐ I reported to \_\_\_\_\_

No ☐ I \_\_\_\_\_

**26.** How would you rate the response to your complaint?

Satisfactory ☐ Not Satisfactory ☐ No response ☐ Other \_\_\_\_\_

**27.** Are you aware you have Consumer Rights?

Yes ☐ No ☐

**28.** Whenever you receive an unsatisfactory response to your complaint, what other measures do you take to protect yourself?

☐

Warn family/friends about product and/or seller.

☐

Decide to stop buying the product or brand or boycott seller.

☐

Seek redress from company or manufacturer.

☐

Complain to business, private or governmental agencies.

☐

Take no further action

☐